

REMARKS

Claims 1-39 and 41-45 are pending. In this paper, claim 40 is cancelled without prejudice or disclaimer and claim 45 is added. Reconsideration in view of the above amendments or following remarks is respectfully requested. .

A. In the May 30, 2006 Office Action, claims 1-44 were rejected under 35 USC § 112, second paragraph. The rejection is respectfully traversed.

Applicant respectfully submits that the asserted indefinite claim language was previously found to satisfy § 112 by the U.S. Patent and Trademark Office. See at least claims 1 and 11 of USPN 7,139,413. Further, Applicant respectfully submits that a specific example is provided in the present specification. See at least page 10, line 22 through page 12, line 12. Further, Applicant respectfully submits that a description of an exemplary process supporting the asserted claim language is provided with respect to Fig. 4. See at least page 12, line 13 through page 14, line 27. See also Fig. 5. Thus, Applicants respectfully submit the asserted claim language is definite.

For at least the reasons set forth above, withdrawal of the rejection of claims 1-44 under § 112 is respectfully requested.

B. In the May 30, 2006 Office Action, claims 1-10, 13-15, 17-31, 34-36 and 38-44 were rejected under 35 USC §103(a) over the Yoshino patent (USPN 5,644,690) and the Ohba patent (USPN 5,214,758). In the May 30, 2006 Office Action, claims 11-12, 16, 32-33 and 37 were rejected under 35 USC §103(a) over Yoshino, Ohba and the Johnston patent (USPN 5,375,195).

The rejections are respectfully traversed for the following reasons.

1. With respect to claim 1, Applicant submits that features similar to those added by amendment appear in the claims of the USPN 7,139,413. Yoshino was previously applied against similar recited features, distinguished by Applicant and claims were issued. Thus, it is respectfully submitted that claim 1 and its dependent claims are allowable.

For example, Yoshino does not disclose features added by amendment to claim 1, including “generating element codes corresponding to the facial feature designations, each element code based on:

(a) a symbol representative of a facial feature, the symbol having one of a plurality of values indicative of variations of the facial feature, and

(b) a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature and combinations thereof as recited.” Applicant respectfully submits that the Office Action admits Yoshino does not teach or suggest at least a first code factor. Further, Ohba discloses an animation producing apparatus where a plurality of parameters correspond to a plurality of fundamental shapes. See Fig. 4 and column 4, line 6 to column 5, line 19 of Ohba. Ohba does not disclose a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature and combinations thereof as recited in claim 1.

For at least the reason set forth above, Applicant respectfully submits that 1 and its dependent claims are allowable. Claims 22, 41 and 44 have been amended to recite features

similar to those which patentably distinguish claim 1 from the Yoshino patent. Applicant therefore submits that claims 22, 41, and their dependent claims are also allowable.

2. With respect to claim 13, the Office Action asserts that Yoshino discloses displaying facial feature images (citing figures 4 and 5 of Yoshino). However, Applicant respectfully submits that figures 4 and 5 in Yoshino show exemplary database information, not information displayable to a user. See column 2, lines 50-59 of Yoshino. Thus, it is respectfully submitted that claim 13 and its dependent claims are allowable.

Further, claims 13, 20, 34, 42, and 43 have been amended to recite features similar to those which patentably distinguish claim 1 from the Yoshino patent. Accordingly, Applicant submits that these claims and their dependent claims are allowable. Claim 40 is canceled without prejudice or disclaimer.

3. Claims 11-12, 16, 32-33 and 37 were rejected under 35 USC § 103(a) for being obvious in view of a Yoshino, Ohba and Johnston combination. This rejection is traversed on grounds that the Johnson patent fails to teach or suggest the features added by amendment to the base claims of claims 11, 12, 16, 32, 33, and 37. For at least these reasons, Applicant submits that claims 11, 12, 16, 32, 33, and 37 are allowable.

C. Claim 45 is newly added by this Amendment and believed to be in condition for allowance. Claim 45 is allowable for at least reasons similar to claim 13.

D. Applicant's representative, Carl R. Wesolowski, respectfully requests a personal interview before the next action on the merits.

Serial No. 10/759,225

Docket No. IQB-0007C4

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl R. Wesolowski, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-4235 and please credit any excess fees to such deposit account.

Respectfully submitted,
THE FLESHNER GROUP, PLLC



Carl R. Wesolowski, Esq.
Registration No. 40,372

P.O. Box 220898
Chantilly, Virginia 20153-0898
703 766-3701 CRW/ldh
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Please direct all correspondence to Customer Number 68733